

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON PAUL CHESTER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE et al.,

Defendants.

CASE NO. 3:23-cv-05367-DGE

ORDER ON REFERRAL (DKT. NO.
70)

This matter comes before the Court as a referral notice filed by the United States Court of Appeals for the Ninth Circuit filed pursuant to 28 U.S.C. §1915(a)(3) for the limited purpose of determining whether Plaintiff's in forma pauperis status should continue for his appeal or whether the appeal is frivolous or taken in bad faith. (Dkt. No. 70.)

An appeal is taken in "good faith" where it seeks review of at least one issue or claim that is found to be "non-frivolous." *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). An issue is "frivolous" where it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

1 The Court concludes Plaintiff's appeal is frivolous because it lacks an arguable basis in
2 law. For the reasons articulated in the order on the motion to dismiss (Dkt. No. 66) and as
3 demonstrated in the record, Plaintiff's claims are either moot or fail to state a claim.

4 Accordingly, Plaintiff's in forma pauperis status should NOT continue on appeal.

5 The Clerk shall send a copy of this order to the United States Court of Appeals for the
6 Ninth Circuit.

7 IT IS SO ORDERED.

8 DATED this 27th day of June 2024.

9
10 

11

David G. Estudillo
United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24